POL 14 VIET
XR POL 15-3 VIET
1660

Department of State **TELEGRAM**

UNCLASSIFIED 661

PAGE 01 SAIGON 16924 221216Z

47
ACTION EA-14

INFO OCT-01 NEA-09 CIAE-00 DODE-00 PM-06 H-02 INR-06 L-03
NSAE-00 NSC-10 P-03 RSC-01 PRS-01 SS-14 USIA-12 UPW-01
IO-12 AID-20 RSR-01 /116 W
057532

R 221100Z OCT 71
FM AMEMBASSY SAIGON
TO SECSTATE WASHDC 1439
INFO AMEMBASSY BANGKOK
CINCPAC

AMCONSUL DANANG
USDEL FRANCE
AMEMBASSY KATHMANDU
AMEMBASSY PHNOM PENH
AMEMBASSY VIENTIANE

UNCLAS SAIGON 16924

CINCPAC FOR POLAD

KATHMANDU FOR AMBASSADOR BUNKER

SUB: SUPREME COURT VALIDATION OF PRESIDENTIAL ELECTION

REF: SAIGON 16905

1. A VIETNAMESE LANGUAGE VIETNAM PRESS ITEM APPEARING THE EVENING OF OCT 22 PROVIDED SOME ADDITIONAL DETAILS ON THE SUPREME COURT ACTION ON THE PRESIDENTIAL ELECTION BEYOND THE BRIEF ORAL ANNOUNCEMENT OF THE CHIEF JUSTICE REPORTED REFTEL. EMBASSY TRANSLATION FOLLOWS.

(2)

2. BEGIN TEXT THE GENERAL ASSEMBLY OF THE SUPREME COURT APPROVES THE VALIDITY OF THE OCTOBER 3 ELECTION. SAIGON, OCTOBER 22. THE GENERAL ASSEMBLY OF THE SUPREME COURT WITH EIGHT VOTES IN FAVOR OUT OF NINE JUSTICES OF THE SUPREME COURT AT 12:45 PM TODAY APPROVED THE VALIDITY OF THE POLLING OF OCTOBER 3.

UNCLASSIFIED

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY [signature] DATE 1/24/82
RDS ☐ or XD ☐ EXT. DATE
TS AUTH. REASON(S)
ENDORSE EXISTING MARKINGS ☑
DECLASSIFIED ☐ RELEASABLE ☑
RELEASE DENIED ☐
PA or FOI EXEMPTIONS

SAIGON 16924 14/22/01

DECLASSIFIED

UNCLASSIFIED

EM AFTER 72 HOURS AND 25 MINUTES OF DELIBERATION, CHIEF JUSTICE TRAN VAN LINH (SOME WORDS OBVIOUSLY OMITTED--PROBABLY "ANNOUNCED THAT THE SUPREME COURT HAD") DECIDED THAT THE DEMOCRATIC SLATE NGUYEN VAN THIEU AND TRAN VAN HUONG WAS ELECTED PRESIDENT AND VICE PRESIDENT FOR THE 1971-1975 TERM WITH THE CONFIDENCE OF 5,975,018 VOTERS OUT OF A TOTAL OF 6,331,118 VOTERS WHO CAST BALLOTS.

4. ON THIS OCCASION, THE SUPREME COURT WITH SIX VOTES OUT OF NINE ALSO DECIDED THAT THE COMPLAINT OF CITIZEN BUI NHUNG CALLING ON TFHE SUPREME COURT TO DECLARE UNCONSTITUTIONAL A COMMUNIQUE OF ACTING PRIME MINISTER NGUYEN LUU VIEN SIGNED SEPTEMBER 1, 1971, CONCERNING THE ORGANIZATION OF THE PRESIDENTIAL AND VICE PRESIDENTIAL ELECTION OF OCTOBER 3, 1971, WAS "UNACCEPTABLE AS TO FORM."

5. THE CASE OF CITIZEN BUI NHUNG WAS NOT ACCEPTABLE AS TO FORM, AND THEREFORE WAS NOT EXAMINED IN SUBSTANCE, BECAUSE MR. BUI NHUNG ONLY SET FORTH THE MATTER IN A GENERAL WAY IN HIS CAPACITY AS A VOTER.

6. ON THE OTHER HAND, THE GENERAL ASSEMBLY ACCEPTED THE COMPLAINT OF THE FOUR VOTERS NGUYEN NGOC LOI, DUONV VAN LONG, HA THE RUYET AND TRINH QUOC KHANH WHO JOINTLY SUBMITTED A PETITION CALLING ON THE SUPREME COURT TO DECLARE INVALID THE ELECTION OF OCTOBER 3, 1971.

7. THE COMPLAINT OF THE FOUR ABOVE-MENTIONED VOTERS SUBMITTED TO THE OFFICE OF THE SECRETARY-GENERAL OF THE SUPREME COURT AT 3:30 PM OCTOBER 6, 1971, WAS ACCEPTED BY THE SUPREME COURT BECAUSE IT WAS SUBMITTED IN ACCORDANCE WITH PROCEDURES AND WITHIN THE SPECIFIED TIME LIMIT.

8. HOWEVER, THE SUPREME COURT REJECTED THIS COMPLAINT AS TO SUBSTANCE BECAUSE THE FOUR VOTERS ONLY DEALT WITH THE NATURE OF THE ELECTION AND DID NOT SET FORTH ANY VIOLATION RELATING TO THE ELECTION OF OCTOBER 3, 1971.

9. THE SPECIAL SESSION OF THE SUPREME COURT WHICH OPENED AT 10:00 AM OCTOBER 19 WAS CLOSED AT 12:50 PM OCTOBER 22, 1971.
END TEXT.
BERGER

UNCLASSIFIED